

Prather in American Bar Association Journal: ‘Libel Cases Are on the Rise and Increasingly Politicized’

October 5, 2023 Laura Prather

PRACTICES Media Entertainment and Sports, Media and Entertainment Litigation

[Laura Prather](#), chair of the Media Law Practice Group, was quoted in an *American Bar Association Journal* article on the rising number of libel cases in the United States.

Read an excerpt below:

Laura Prather, a media law partner at Haynes Boone in Austin, Texas, says the “amount of damages being sought has become astronomical.”

“We are clearly seeing an increase in defamation filings,” Prather says. “Everything is so political. People are rushing to the courthouse to punish people they disagree with. Our courts allow anyone to file a lawsuit with no caps on damages for alleged reputational harm. The importance of protecting free speech is universal and not at all an only political right or only political left issue. ...

“The Fox News case is unique because of the text messages and the internal documentation that showed the journalists didn’t believe what they were broadcasting was true but continued to promote it,” Prather says. “That’s the true novelty of the Dominion/Fox case.” ...

“The intended goal in naming individual journalists is to inflict pain,” Prather says. “I’ve seen specific instances in which the reporter or speaker was so impacted by being a named defendant that he could not sleep at night, lost 60 pounds and had so much guilt because he was costing his employer so much money.” ... “It is an incredible expense to fight defamation lawsuits, and our anti-SLAPP laws with the automatic stay provisions are designed to reduce costs by not having the parties have to pay for two different battles—one at the trial court and one at the appellate court—at the same time,” Prather says.

In Texas, plaintiffs have claimed 106 times since the Texas Citizens Participation Act was enacted in 2011 that defamation defendants’ motions to dismiss were frivolous. In 76 of those 106 cases, trial judges ruled that the anti-SLAPP motion was not frivolous. In the 30 other cases in which trial judges ruled the defendant’s motions to dismiss under the law were frivolous, the appeal courts later reversed 17 times, according to Prather.

“Anti-SLAPP laws are working exactly as they were intended, and they are protecting the free speech of Texas citizens and the news media,” Prather says.

To read the full article in *American Bar Association Journal*, [click here](#).